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Compilation on Tunisia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1-2]

2. The Committee against Torture[3] and the United Nations country team invited Tunisia to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Convention on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

3. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[5]

4. The Special Rapporteur on the human rights of migrants[6] and the Committee on Economic, Social and Cultural Rights[7] recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

5. The Committee on Economic, Social and Cultural Rights invited Tunisia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[8]

6. The Committee on Enforced Disappearances encouraged Tunisia to expedite the procedures for making the declarations provided for in articles 31 and 32 of the International Convention for the Protection of Persons from Enforced Disappearance.[9]

7. The Working Group on the issue of discrimination against women in law and in practice recommended that Tunisia ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[10]

8. The country team encouraged Tunisia to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and to lift its general declarations in relation to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.[11] It noted that article 20 of the Constitution accorded supra-legislative and sub-constitutional authority to the international instruments approved and ratified by the Parliament.[12]

9. The Committee on Enforced Disappearances,[13] the Office of the United Nations High Commissioner for Human Rights (OHCHR)[14] and the country team[15] noted that Tunisia had extended an open invitation to all special procedure mandate holders of the Human Rights Council and that several mandate holders had already visited the country.

III. National human rights framework[16]

10. OHCHR noted that the Constitution adopted in January 2014 had strengthened the legislative framework through the enactment of a range of national human rights legislation. However, much work remained to be done in order to harmonize the legislative framework with the Constitution and international standards.[17]

11. The Committee against Torture welcomed the new Constitution, article 23 of which stated that the crime of torture was not subject to a statute of limitations.[18] The Special Rapporteur on torture noted with concern that the Constitution did not prohibit other cruel, inhuman or degrading treatment or punishment and urged the Government to bring its national legislation into line with article 23 of the Constitution.[19] He recommended that institutional and legal reforms be vigorously pursued with the aim of strengthening safeguards and prevention.[20]

12. The Special Rapporteurs on the situation of human rights defenders[21] and on migrants[22] noted that the Government of Tunisia had taken positive steps towards ensuring an institutional framework conducive to human rights, including the establishment of the Ministry of Human Rights and Transitional Justice, the national mechanism to prevent torture and the national human rights institution.

13. The Committee against Torture welcomed the establishment of the national mechanism to prevent torture[23] and recommended that Tunisia provide it with sufficient resources to allow it to begin to carry out its mandate immediately and to operate in accordance with Optional Protocol to the Convention against Torture and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[24] While noting that Tunisia was the first country in the North Africa and Middle East region to create a national preventive mechanism, the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the mechanism faced vast challenges, ranging from the real independence of its members to having the necessary financial resources to carry out its functions. Relations between the different human rights bodies also needed to be clarified.[25] The country team made similar recommendations.[26]

14. The Special Rapporteur on torture welcomed the adoption of new legislation on transitional justice and the establishment of the Truth and Dignity Commission and hoped that it would help to ensure access to justice and redress for victims of torture and ill-treatment in the transitional justice context. He also welcomed the establishment of a national preventive mechanism with broad powers to monitor all places of detention.[27]

15. At the end of his visit to Tunisia in April 2015, the United Nations High Commissioner for Human Rights encouraged the swift establishment of an independent national human rights institution and operationalization of an independent oversight mechanism on torture prevention.[28]

16. The Committee on Economic, Social and Cultural Rights welcomed the new bill on a human rights body and recommended that Tunisia ensure that the body was in line with the Paris Principles and that its mandate covered economic, social and cultural rights.[29] OHCHR[30] and the Special Rapporteur on the human rights of migrants issued similar recommendations.[31]

17. The country team[32] and OHCHR[33] noted the establishment, in October 2015, of a national mechanism for the drafting of reports for United Nations human rights mechanisms and the follow-up to their recommendations.

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[34]

18. OHCHR recommended criminalizing racism, in line with international commitments.[35]

19. The country team reported that article 230 of the Criminal Code criminalized sexual relations between persons of the same sex. The lesbian, gay, bisexual and transgender community continued to be the target of verbal and physical attacks. The authorities did not take appropriate action in response to incitement to murder and hatred.[36] The Committee against Torture[37] and the Committee on Economic, Social and Cultural Rights[38] made similar remarks and recommended that Tunisia repeal article 230 of the Criminal Code.

20. The Committee on Economic, Social and Cultural Rights was concerned at reports of discrimination against the members of the Amazigh minority, particularly in the exercise of their cultural rights, and at the lack of data disaggregated by ethnicity and cultural background, which prevented proper assessment of the situation of the Amazigh.[39]

2. Development, the environment, and business and human rights[40]

21. OHCHR recommended that Tunisia encourage development and investment in regions and sectors where there was a lack of private entrepreneurship, put in place a gender-sensitive political budget, enact fiscal reforms on tax evasion, fight corruption, in particular in the health sector, and develop a national plan in line with the United Nations Guiding Principles on Business and Human Rights.[41]

3. Human rights and counter-terrorism

22. In his 2015 mission report, the Special Rapporteur on torture stated that he had heard that tens or even hundreds of individuals had been subjected to ill-treatment or even torture in the context of counter-terrorism operations since his previous visit in 2011. He encouraged the Government to ensure, in law and in practice, that terrorism suspects were entitled to a fair trial and due process guarantees, including the exclusion of evidence obtained under torture from any proceedings.[42]

23. The Committee against Torture recognized the difficult context faced by Tunisia in the wake of terrorist attacks and was concerned about the adoption of Organic Act No. 2015-26 on combating terrorism, as the Act gave no clear definition of "act of terrorism" and extended the maximum duration of custody to 15 days. It recommended that Tunisia amend the Act.[43] The Committee on Enforced Disappearances expressed similar concerns.[44]

24. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination welcomed the efforts to consider alternatives to prosecution for returnee fighters, including social, cultural and religious approaches. In that regard, it recommended a balance of punitive and social measures, with a view to addressing the immediate and structural causes of the phenomenon of foreign fighters.[45]

B. Civil and political rights

1. Right to life, liberty and security of person[46]

25. The country team reported that Tunisia had imposed a de facto moratorium on the death penalty since 1991. Since 2011, it had reconsidered the prison treatment of persons condemned to death, affording them all the rights applicable to other prisoners and allowing their sentences to be commuted.[47]

26. The Committee against Torture was concerned about several cases in which people had died in detention in suspicious circumstances and which had still not been elucidated by the judicial authorities. The Committee recommended that Tunisia ensure that all deaths in detention were subject to impartial inquiries and that victims' families could take part in the judicial investigations as civil parties.[48]

27. Concerning allegations of the death of a political activist and trade unionist, the Special Rapporteurs on human rights defenders[49] and on extrajudicial, summary or arbitrary executions[50] noted that an investigation was ongoing and hoped to receive more details as soon as they were available.

28. In 2013, the High Commissioner for Human Rights condemned the assassination of a Tunisian activist[51] and the killing of an opposition leader.[52] The High Commissioner called on the authorities to take serious measures against politically motivated crimes and to provide better protection to those at risk.[53]

29. The Committee on Enforced Disappearances recommended that Tunisia adopt legislative measures to ensure that enforced disappearance was incorporated into domestic law as an autonomous offence, in accordance with the definition contained in article 2 of International Convention for the Protection of All Persons from Enforced Disappearance, and that the offence carried appropriate penalties while avoiding the death penalty.[54] The Committee also recommended that all past cases of enforced disappearance be thoroughly and impartially investigated until the fate of the disappeared persons was clarified.[55]

30. The Committee against Torture was concerned about reports of incommunicado detention before an arrest had been officially registered in cases relating to counter-terrorism activities and in which claims of torture had been made.[56] The Committee on Enforced Disappearances expressed similar concerns.[57]

31. The Committee against Torture remained concerned about consistent reports that torture and ill-treatment continued to be practised in the security sector, particularly by the police and National Guards, against persons held in custody, especially against terrorism suspects.[58] The Special Rapporteur on torture made similar remarks and added that, during his visit in June 2014, he had heard multiple credible accounts that detainees had been subjected to torture and ill-treatment, particularly during arrest, transfer, interrogation and the first hours of *garde à vue* detention (policy custody), particularly in police stations. He expressed serious concern over reports that law enforcement officials used torture and ill-treatment as a means of conducting investigations, extracting confessions and in the contexts of repression of demonstrations and counter-terrorism operations. He was, however, encouraged to find that accounts of torture and ill-treatment by guards in both *garde à vue* facilities and prisons were significantly fewer than before the revolution.[59]

32. At the end of his mission in 2014, the Special Rapporteur stated that Tunisia needed to recognize eradication of torture as a priority and implement reforms for strengthening safeguards and prevention.[60] He recommended that the Government in particular ensure prompt, independent and impartial investigations into all allegations of torture and ill-

treatment, as well as prosecutions and convictions in accordance with the severity of the crime.[61]

33. The Special Rapporteur noted that the lack of effective legal and procedural safeguards governing the arrest, interrogation and pre-charge detention of suspects continued to make arrestees extremely vulnerable to torture and other ill-treatment in practice.[62] He stated that further safeguards were needed to prevent torture, such as guaranteeing access to a lawyer from the moment of deprivation of liberty, shortening the period of time spent in detention under police custody and ensuring a complete medical examination at the moment of arrival and on transfer from another detention facility. He stressed that detention under police custody should be the exception and arrest with judicial warrant the rule.[63]

34. OHCHR recommended amending the Criminal Code and aligning the definition of torture with the provisions of the Convention against Torture.[64] The Committee against Torture recommended that Tunisia forward complaints of acts of torture or ill-treatment without delay to an investigating judge and ensure that judges launched investigations on their own initiative whenever there were reasonable grounds to believe that an act of torture or ill-treatment had been committed.[65]

35. The Special Rapporteur on torture stressed that prison overcrowding continued to be a critical problem that resulted in inhuman sanitary conditions and denial of critical services.[66] The Committee against Torture welcomed the adoption, in 2015, of an action plan for the reform of judicial and prison facilities and of a plan against overcrowding, in 2016.[67] OHCHR recommended the application of measures and sentences other than imprisonment and of forms of release with or without bail for offences without serious consequences for people or property and the continued application of the Act on community service orders as an alternative to imprisonment for certain offences.[68]

36. Regarding an alleged case of arbitrary detention, the Working Group on Arbitrary Detention requested the Government to release the person concerned and to provide him with appropriate compensation.[69] In another case involving several individuals, the Working Group requested the Government to release them without delay and to take the necessary steps to remedy the material and moral injury that they had suffered, including by providing reasonable and appropriate compensation.[70]

37. The Committee against Torture recommended that Tunisia provide all monitoring mechanisms with free access to all places of detention, including pretrial detention and interrogation centres, so that they could conduct unannounced visits and interview inmates without witnesses.[71]

38. The Committee on Enforced Disappearances recommended that Tunisia guarantee that all deprivations of liberty were entered in uniform registers and/or records, subject to periodic checks and that, in the event of irregularities, the officials responsible were adequately sanctioned.[72]

2. Administration of justice, including impunity, and the rule of law[73]

39. The Special Rapporteur on the independence of judges and lawyers recommended that the law governing the statute of judges specify clearly that the selection, appointment and promotion of judges be based on fair and objective criteria and procedures, in accordance with the Basic Principles on the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct.[74] She also recommended that the Supreme Judicial Council and the courts enjoy real administrative and financial independence through their own separate budget allocation and management.[75]

40. The Special Rapporteur further recommended that the public prosecution service be independent of the Minister for Justice and be headed by the Prosecutor-General of the Republic, who should also be independent of the Minister for Justice, and that the service be financially autonomous.[76] The Committee against Torture urged Tunisia to ensure that public prosecutors properly monitored the measures taken by the officers of the security services in charge of investigations.[77]

41. On the issue of accountability of the judiciary, the Special Rapporteur on the independence of judges and lawyers was concerned about the "chilling effect" on the judiciary as a whole of the unilateral decision taken by the Ministry of Justice in May 2012 to summarily dismiss en masse more than 80 judges and prosecutors.[78]

42. The Special Rapporteur recommended that legislation on military courts be revised to ensure that the military court system only had jurisdiction to try military personnel who had committed military offences or breaches of military discipline, when such offences did not amount to serious human rights violations, and to transfer from military to civilian courts the investigation and jurisdiction of cases involving gross human rights violations committed with the alleged involvement of military and security forces.[79] OHCHR made similar recommendations.[80]

43. OHCHR recommended that sentence enforcement judges in prisons be allowed to devote all their time to their assigned tasks in order to strengthen their role in monitoring prison conditions and the enforcement of sentences, and helping selected detainees to obtain parole.[81]

44. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence stated that many alleged perpetrators of gross human rights violations remained active members of the security services. He warned that failure to address impunity would send a negative signal to Tunisian society and the lack of any visible reform coupled with the deep mistrust of the population in the justice and security sectors could, in the long run, lead to a situation where confidence in those institutions would be virtually impossible to re-establish.[82]

45. Special Rapporteur on human rights defenders recommended that impunity for human rights violations be addressed as a matter of priority by ensuring prompt and impartial investigations and bringing perpetrators promptly to justice.[83] The Special Rapporteur on truth and justice recommended that the Government break the cycle of impunity and promptly investigate past practices of torture and ill-treatment and other gross human rights violations in an independent, impartial and expedient manner, and prosecute all allegedly involved perpetrators and sanction them, if found guilty, in a way commensurate with the violations committed.[84]

46. The Committee against Torture remained concerned about reports of reprisals committed by the police against the families and counsels of victims.[85] It recommended that officers suspected of torture or ill-treatment be immediately suspended from duty for the duration of the investigation,[86] that a system be established to protect victims and witnesses of torture and that criminal and disciplinary measures be taken against those who carried out reprisals.[87] The Special Rapporteur on human rights defenders recommended that allegations of torture while in detention be investigated urgently and that perpetrators be held accountable.[88] OHCHR made similar recommendations.[89]

47. The Committee on Enforced Disappearances noted the measures taken by the Truth and Dignity Commission concerning reparation, including the urgent reparations provided in relation to health needs, and observed that the Commission was working to put in place a comprehensive reparations programme.[90] The Special Rapporteur on human rights defenders recommended that the process of providing effective remedy to the families of those killed during the revolution and to individuals who were wounded be expedited, including the provision of access to appropriate medical and rehabilitation services.[91]

48. The Committee on Economic, Social and Cultural Rights recommended that Tunisia redouble its efforts to combat corruption and ensure accountability and transparency in the management of public funds. The Committee further recommended that Tunisia raise awareness among political officials, parliamentarians and national and local public servants of the economic and social costs of corruption and encourage judges, prosecutors and public officials to strictly enforce the law.[92]

3. Fundamental freedoms and the right to participate in public and political life[93]

49. OHCHR recommended that the Government put an end to all administrative practices that infringe freedom of religion and belief, and ensure full respect for and

protection of the freedom to debate public affairs, hold peaceful meetings and demonstrations, express opposition and publish political ideas, particularly for women and young people.[94]

50. The Committee against Torture invited Tunisia to ensure that prompt and effective investigations were carried out into all threats and attacks targeting human rights defenders, bloggers, journalists and artists and that those responsible for such acts were brought to justice and punished in a manner commensurate with the gravity of their acts.[95] OHCHR recommended that the Government implement the recommendations contained in Human Rights Council resolution 27/5 on the safety of journalists.[96]

51. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Tunisia to support the entering into force and the full implementation of the freedom of information law[97] and recommended that the introduction of self-regulatory mechanisms be facilitated, including a code of ethics, among media professionals.[98]

52. The Special Rapporteur on truth and justice recommended that Tunisia find ways to ensure that the voices of society, particularly victims, were taken into account in an ongoing manner and make effective efforts to remedy shortcomings in consultations, such as by reaching out to all sectors of society in a non-discriminatory manner, including women, so as to bridge the gap between the urban coastal and the interior regions of the country. He stated that inclusive consultations were a precondition for reversing the trend of social fragmentation.[99]

53. The Working Group on discrimination against women recommended that Tunisia create an enabling environment for the effective and sustainable functioning of autonomous women's organizations and groups.[100] The Special Rapporteur on human rights defenders recommended that the Government protect women human rights defenders if they were harassed or attacked and ensure a conducive work environment for them.[101]

54. The Committee on Economic, Social and Cultural Rights urged Tunisia to increase the representation of women in decision-making positions in public entities and better promote the balanced representation of the sexes in businesses, including through temporary special measures.[102]

4. Prohibition of all forms of slavery[103]

55. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the presentation of a draft law on preventing and combating trafficking in persons before the Assembly of People's Representatives in 2016.[104]

5. Right to privacy and family life

56. OHCHR recommended the prohibition of medical examinations, including with the consent of the person concerned, for non-medical purposes, in particular examinations intended to support legal arguments for criminal liability.[105]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[106]

57. OHCHR indicated that the legacy of centralized economic, political and administrative development policies hindered the full enjoyment of human rights, particularly economic, social and cultural rights, for people living in the regions, including the right to work, education, health and water.[107]

58. The Committee on Economic, Social and Cultural Rights urged Tunisia to strengthen the capacity of the general labour inspectorate and recommended that it adopt appropriate measures to ensure that all allegations of violations of the right to work were investigated and extend labour inspections to the informal sector in order to safeguard the right to just and favourable conditions of work for all.[108] The Committee also recommended regularizing the situation of workers in the informal sector by progressively improving their working conditions and by extending social security schemes to include them.[109]

59. The Working Group on discrimination against women recommended that positive discrimination measures be introduced to encourage women's access to work and eliminate the gender pay gap.[110]

60. The Committee on Economic, Social and Cultural Rights urged Tunisia to take targeted measures with regard to women who were at the greatest disadvantage in the labour market, in particular rural women.[111]

2. Right to social security[112]

61. OHCHR indicated that social tensions remained high and had increased in intensity in 2016: a large proportion of the population did not enjoy full access to social protection that guaranteed a minimum standard of living and dignified living conditions.[113] The country team recommended ensuring social justice in order to safeguard the right to a decent life for all, without discrimination.[114] OHCHR recommended reforming the existing social security and protection system and coordinating it with a national action plan to combat poverty.[115]

62. The Committee on Economic, Social and Cultural Rights urged Tunisia to continue its efforts to set up a social security system that guaranteed broad social coverage, providing sufficient benefits to all workers and all disadvantaged persons and families in order to ensure they achieved an adequate standard of living.[116]

3. Right to an adequate standard of living[117]

63. The Committee on Economic, Social and Cultural Rights urged Tunisia to take all necessary measures to reduce poverty and extreme poverty, especially in rural areas and the inland regions, and to ensure that homeless persons were covered and enjoyed access to State assistance.[118] The Committee also urged Tunisia to invest, on the basis of appropriate geographic targeting, resources proportional to the extent of housing needs[119] and recommended that it ensure that persons who were forcibly evicted were provided with alternative accommodation or compensation.[120]

4. Right to health[121]

64. The Committee on Economic, Social and Cultural Rights requested that Tunisia monitor on a regular basis the implementation of the national health strategy and the effectiveness of the systems put in place to improve access to health care in rural areas experiencing a shortage of medical professionals, to measure the impact of the systems on the enjoyment of the right to health and to take remedial action where necessary.[122]

5. Right to education[123]

65. UNESCO welcomed the implementation of the national integrated education strategy[124] and, together with the Committee on Economic, Social and Cultural Rights, encouraged Tunisia to invest more resources in education in rural areas to close existing gaps, to widen access to preschool education, to increase the number of qualified teachers and adequate education facilities, especially in rural and remote areas, and to address the high dropout and illiteracy rates as a matter of urgency.[125]

66. The Working Group on discrimination against women recommended that policies be developed to encourage girls to remain in school, particularly in disadvantaged regions.[126]

D. Rights of specific persons or groups

1. Women[127]

67. The Working Group on discrimination against women remained concerned at the persistence of loopholes and ambiguities in national legislation that might undermine the protection of women's rights and the principle of gender equality.[128]

68. The country team indicated that unequal inheritance rights contributed to the impoverishment of women and were partly to blame for the low levels of female

entrepreneurship, owing to the lack of start-up capital. They were also a causal factor in women's lower rate of access to housing and increased vulnerability. The participation of Tunisian women in the political and economic spheres remained low.[129]

69. The country team[130] and OHCHR[131] recommended that Tunisia ensure that the legal system was fully in line with the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women, including through reforming legislation that discriminated against women.

70. The Committee against Torture recommended that Tunisia expedite the adoption of the law to combat violence against women; make all forms of violence against women a criminal offence, including domestic violence and marital rape; amend the provisions of the Criminal Code in order to eliminate impunity; and ensure that cases of violence against women were effectively prosecuted.[132] The Committee on Economic, Social and Cultural Rights made similar recommendations.[133]

71. The country team noted that criminal legislation remained in force that was not in line with the Convention on the Elimination of All Forms of Discrimination against Women and that the Criminal Code and the Code of Criminal Procedure were in the process of being reformed.[134] The country team[135] and OHCHR[136] recommended that the Government fast-track the adoption of the law on violence against women, in line with international standards.

2. Children[137]

72. The country team encouraged the implementation of an independent mechanism for the monitoring of children's rights, in order to reduce the gap between regulations and practice and prevent all violations of children's rights.[138]

3. Persons with disabilities[139]

73. The country team indicated that a special parliamentary commission for the protection of persons with disabilities had been established within the Assembly of the Representatives of the People.[140] OHCHR indicated that a charter of rights for persons with disabilities had been adopted in November 2014 and that Act No. 30/2015 had been adopted in May 2016.[141]

74. UNESCO indicated that Tunisia should be encouraged to continue its efforts to improve conditions for persons with disabilities.[142]

4. Minorities and indigenous peoples[143]

75. The Committee on Economic, Social and Cultural Rights recommended that Tunisia officially recognize the language and culture of the indigenous Amazigh people and ensure their protection and promotion, and adopt legislative and administrative measures to provide instruction in the Amazigh language at all education levels.[144]

5. Migrants, refugees, asylum seekers and internally displaced persons

76. The Special Rapporteur on migrants observed that the system of detention and removal of migrants in Tunisia remained unclear and opaque, with the existence of 13 migrant detention centres remaining unconfirmed by the Government.[145] He recommended that the Government decriminalize irregular border crossing and strengthen the mechanisms to detect, identify and assist vulnerable migrants at the border, including minors, potential asylum seekers and victims of trafficking;[146] as well as ensure that detention of migrants was justified according to international law and limited to the minimum time necessary; that all places where migrants were held were fully disclosed and accessible by independent monitors; that unaccompanied minors and families with children were not detained; and that mechanisms to detect and shelters to protect unaccompanied migrants were developed.[147]

77. OHCHR indicated that, together with UNHCR, it had supported the development of an asylum bill which had been sent to the Assembly of the Representatives of the People. Once adopted, the legislation would fill the legal void on the issue of asylum.[148] The

country team,[149] the Committee on Enforced Disappearances[150] and the Committee on Economic, Social and Cultural Rights[151] issued similar recommendations. OHCHR recommended considering bringing national legislation on the work of migrants in Tunisia into line with international human rights instruments and standards.[152]

78. Regarding the relevant recommendations from the previous cycle of the universal periodic review,[153] UNHCR noted the inclusion of the provision on asylum and non-refoulement in the Constitution and commended the efforts made towards adopting a national protection framework on asylum,[154] while noting that the national legal protection framework was still incomplete.[155] The Special Rapporteur on migrants[156] and the Committee on Economic, Social and Cultural Rights[157] urged progress in the development of the asylum law.

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Tunisia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/TNSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/5, paras. 114.16, 114.66-114.69, 114.82, 114.95, 115.10, 115.13-115.14, 116.4 and 116.7-116.11.
[3] See CAT/C/TUN/CO/3, para. 46.
[4] United Nations country team submission for the universal periodic review of Tunisia, p. 11.
[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[6] See A/HRC/23/46/Add.1, para. 86 (d).
[7] See E/C.12/TUN/CO/3, para. 57.
[8] Ibid., para. 56.
[9] See CED/C/TUN/CO/1, para. 9.
[10] See A/HRC/23/50/Add.2, paras. 72 (e) and 73 (b).
[11] Country team submission, p. 11.
[12] Ibid., p. 4.
[13] See CED/C/TUN/CO/1, para. 6.
[14] OHCHR submission for the universal periodic review of Tunisia, p. 6.
[15] Country team submission, p. 4.
[16] For relevant recommendations, see A/HRC/21/5, paras. 114.1-114.6, 114.35, 114.51, 114.54, 114.56, 114.61-114.62, 114.71-114.76, 114.78, 114.80-114.81, 114.85, 115.3, 115.11-115.12, 115.15 and 116.5.
[17] OHCHR submission, p. 1.
[18] See CAT/C/TUN/CO/3, para. 5 (a); and CED/C/TUN/CO/1, para. 4 (a).
[19] See A/HRC/28/68/Add.2, para. 63.
[20] Ibid., para. 113.
[21] See A/HRC/22/47/Add.2, para. 96.
[22] See A/HRC/23/46/Add.1, para. 80.
[23] See CAT/C/TUN/CO/3, para. 33; also CAT/C/TUN/CO/3, paras. 5 (d) and 31; and CED/C/TUN/CO/1, para. 4 (c).
[24] See CAT/C/TUN/CO/3, para. 34; also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19823&LangID=E.
[25] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19823&LangID=E.
[26] Country team submission, p. 7.
[27] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[28] See http://ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15866&LangID=E#sthash.USMzg3Mj.dpuf.
[29] See E/C.12/TUN/CO/3, para. 10.
[30] OHCHR submission, p. 7.
[31] See A/HRC/23/46/Add.1, para. 86 (e).
[32] Country team submission, p. 4.
[33] OHCHR submission, p. 6.
[34] For relevant recommendations, see A/HRC/21/5, paras. 114.91, 114.93 and 117.1-117.2.
[35] OHCHR submission, p. 11.
[36] Country team submission, pp. 5 and 11.
[37] See CAT/C/TUN/CO/3, paras. 41-42.
[38] See E/C.12/TUN/CO/3, paras. 24-25.
[39] Ibid., para. 54.

[40] For relevant recommendations, see A/HRC/21/5, paras. 114.3, 114.70, 114.77, 114.84 and 114.92.
[41] OHCHR submission, pp. 9 and 10.
[42] See A/HRC/28/68/Add.2, para. 84.
[43] See CAT/C/TUN/CO/3, paras. 11 and 12 (a).
[44] See CED/C/TUN/CO/1, para. 29.
[45] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16219&LangID=E.
[46] For relevant recommendations, see A/HRC/21/5, paras. 114.37-114.38, 114.44-114.50, 114.52 and 116.6.
[47] Country team submission, p. 7.
[48] See CAT/C/TUN/CO/3, paras. 29-30.
[49] See A/HRC/25/55/Add.3, paras. 423-424.
[50] See A/HRC/26/36/Add.2, para. 126.
[51] See http://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12970&LangID=E.
[52] See www.un.org/apps/news/story.asp?NewsID=45499#.WJ2oS2czXyA.
[53] Ibid.
[54] See CED /C/TUN/CO/1, para. 15 (a).
[55] Ibid., para. 23 (a).
[56] See CAT/C/TUN/CO/3, paras. 11 and 12 (c).
[57] See CED /C/TUN/CO/1, para. 29.
[58] See CAT/C/TUN/CO/3, paras. 15.
[59] See A/HRC/28/68/Add.2, para. 81.
[60] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[61] See A/HRC/28/68/Add.2, para. 113.
[62] Ibid., para. 67.
[63] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[64] OHCHR submission, p. 9.
[65] See CAT/C/TUN/CO/3, paras. 19 and 20 (b) and (f).
[66] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[67] See CAT/C/TUN/CO/3, para. 6 (b).
[68] OHCHR submission, p. 7. See also www.ohchr.org/EN/NewsEvents/Pages/ReportsOnStateOfPrisonsInTunisia.aspx.
[69] See A/HRC/WGAD/2013/1, para. 24.
[70] See A/HRC/WGAD/2014/39, para. 36.
[71] See CAT/C/TUN/CO/3, para. 32.
[72] See CED /C/TUN/CO/1, para. 30 (c)-(d).
[73] For relevant recommendations, see A/HRC/21/5, paras. 114.26-114.34, 114.36, 114.39-114.43, 114.53, 114.79, 115.1-115.2 and 115.4-115.9.
[74] See A/HRC/29/26/Add.3, para. 98.
[75] Ibid., para. 104.
[76] Ibid., para. 108.
[77] See CAT/C/TUN/CO/3, paras. 15 and 16 (a).
[78] See A/HRC/29/26/Add.3, para. 7.
[79] Ibid., para. 113.
[80] OHCHR submission, p. 8.
[81] Ibid., p. 7.
[82] See A/HRC/24/42/Add.1, para. 80.
[83] See A/HRC/22/47/Add.2, para. 100 (c).
[84] See A/HRC/24/42/Add.1, para. 87 (c) (iv).
[85] See CAT/C/TUN/CO/3, para. 21.
[86] Ibid., para. 20 (d).
[87] Ibid., para. 22 (c)-(d).
[88] See A/HRC/22/47/Add.2, para. 100 (f).
[89] OHCHR submission, p. 9.
[90] See CED /C/TUN/CO/1, para. 22.
[91] See A/HRC/22/47/Add.2, para. 100 (p). See also A/HRC/26/36/Add.2, para. 126.
[92] See E/C.12/TUN/CO/3, para.17.
[93] For relevant recommendations, see A/HRC/21/5, paras. 114.55, 114.57-114.60, 114.63-114.65 and 117.3.
[94] OHCHR submission, pp. 10-11.
[95] See CAT/C/TUN/CO/3, paras. 43-44.
[96] OHCHR submission, p. 10.

[97] See UNESCO submission for the universal periodic review of Tunisia, para. 76.
[98] Ibid., para. 77.
[99] See A/HRC/24/42/Add.1, para. 83 (e) and (f).
[100] See A/HRC/23/50/Add.2, para. 70 (e).
[101] See A/HRC/22/47/Add.2, para. 100 (h).
[102] See E/C.12/TUN/CO/3, para. 29 (c).
[103] For the relevant recommendation, see A/HRC/21/5, para. 114.8.
[104] UNHCR submission for the universal periodic review of Tunisia, p. 2.
[105] OHCHR submission, p. 7.
[106] For the relevant recommendation, see A/HRC/21/5, para. 114.95.
[107] OHCHR submission, p. 3.
[108] See E/C.12/TUN/CO/3, para. 35.
[109] Ibid., para. 31.
[110] See A/HRC/23/50/Add.2, para. 73 (c).
[111] See E/C.12/TUN/CO/3, para. 29 (a).
[112] For relevant recommendations, see A/HRC/21/5, paras. 114.2, 114.19, 114.21, 114.24, 114.70, 114.84-114.85, 114.87, 114.91 and 115.15.
[113] OHCHR submission, p. 3.
[114] Country team submission, p. 11.
[115] OHCHR submission, p. 9.
[116] See E/C.12/TUN/CO/3, para. 37.
[117] For relevant recommendations, see A/HRC/21/5, paras. 114.13, 114.83 and 114.87.
[118] See E/C.12/TUN/CO/3, para. 41.
[119] Ibid., para. 45.
[120] Ibid., para. 47.
[121] For relevant recommendations, see A/HRC/21/5, paras. 114.84-114.85, 114.89 and 115.15.
[122] See E/C.12/TUN/CO/3, para. 49.
[123] For relevant recommendations, see A/HRC/21/5, paras. 114.2, 114.19, 114.21, 114.24, 114.70, 114.84-114.85, 114.91 and 115.15.
[124] See UNESCO submission, para. 73.
[125] See E/C.12/TUN/CO/3, para. 52; and UNESCO submission, para. 74.4-74.5.
[126] See A/HRC/23/50/Add.2, para. 73 (d).
[127] For relevant recommendations, see A/HRC/21/5, paras. 114.1-114.14, 114.24, 114.37, 114.76, 116.1-116.4 and 116.12.
[128] See http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12924&LangID=E.
[129] Country team submission, p. 5.
[130] Ibid., p. 11.
[131] OHCHR submission, p. 11.
[132] See CAT/C/TUN/CO/3, para. 40 (a)-(b).
[133] See E/C.12/TUN/CO/3, para. 39.
[134] Country team submission, p. 7.
[135] Ibid., p. 12.
[136] OHCHR submission, p. 11.
[137] For relevant recommendations, see A/HRC/21/5, paras. 114.8 and 114.17-114.21.
[138] Country team submission, p. 12.
[139] For relevant recommendations, see A/HRC/21/5, paras. 114.12, 114.22-114.25 and 114.76.
[140] Country team submission, p. 6.
[141] OHCHR submission, p. 5.
[142] See UNESCO submission, para. 74.7.
[143] For relevant recommendations, see A/HRC/21/5, paras. 114.65, 114.71, 114.73 and 114.76.
[144] See E/C.12/TUN/CO/3, para. 55.
[145] See A/HRC/23/46/Add.1, para. 83.
[146] Ibid., para. 87 (a) and (d).
[147] Ibid., para. 88 (a), (c) and (d).
[148] OHCHR submission, p. 5.
[149] Country team submission, p. 12.
[150] See CED/C/TUN/CO/1, para. 28.
[151] See E/C.12/TUN/CO/3, para. 33.
[152] OHCHR submission, p. 11.
[153] See A/HRC/21/5, paras. 114.72 and 114.78.
[154] UNHCR submission, p. 2.

[155] Ibid., p. 3.
[156] See A/HRC/23/46/Add. 1, para. 75.
[157] See E/C.12/TUN/Q/3, para. 34.